

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CMS VOLKSWAGEN HOLDINGS, LLC and
HUDSON VALLEY VOLKSWAGEN, LLC

Case No. 13-CV-3929 (NSR)

Plaintiffs,

-against-

VOLKSWAGEN GROUP OF AMERICA,
INC., and LASH AUTO GROUP, LLC

Defendants.

.....X

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Declaration of Steven J. Yatvin, dated January 21, 2014, and the accompanying memorandum of law, defendant will move this Court before the Honorable Nelson Stephen Roman, United States District Judge, at the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York, 10601 on March 3, 2014, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order, pursuant to 28 U.S.C. § 1447(c), dismissing this action in its entirety.

Dated: January 21, 2014

BARACK FERRAZZANO KIRSCHBAUM &
NAGELBERG LLP

/s/ Steven J. Yatvin

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